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EXAMINER DUDNIKOV, VADIM				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/795,879

**Applicant(s)**

CARVER ET AL.

**Examiner**

VADIM DUDNIKOV

**Art Unit**

3663

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/27/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10, 13-34, 48-51, 53-58 and 69-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10, 13-34, 48-51, 53-58 and 69-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/28/07
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Amendment filed 8/27/2008 forms the basis for this Office Action.

Claims 8, 18, 28 and 48 have been amended. New claims 69-71 have been added.

Claims 2, 11, 12, 35-47, 52 and 59-68 are canceled. Claims 1, 3-10, 13-34, 48-51, 53-58 and 69-71 have been pending.

Those objections or rejections that have been overcome by amendment are omitted from the present Office Action and are considered withdrawn.

2. The Second and Third Declarations of Charles Pennington under 37 CFR 1.132 filed 8/27/2008 are insufficient to overcome the rejection of claims 1, 3-10, 13-34, 48-51 and 53-65 based upon 35 USC 103 (a) as set forth in the last Office action because

(1). Declarations refer(s) to economical aspects of invention, to the system described in the above referenced application but not to the individual claims of the application.

Declarations fail to persuade because the Declaration does not even attempt to discuss detailed claim language and its relation to the specific rejections of record. Instead, said Declaration appears to be an implicit summary dismissal of the analysis of claim language.

Thus, there is no showing that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716.

(2). Applicant's second argument on page 19 lines 3+ is correct. But relevance said argument to the Declaration is not obvious, because the Declaration does not address any claim language, whether range limitations or any other limitations. The Declaration is not effective even based on the comments under (1) above.

(3). Said Declarations cannot have the same effect as a Declaration from a neutral party, because Declarant's current employment is connected with said assignee (NAC International, Inc.).

Applicant's subject matter as claimed has not patentable difference relative combination of prior arts. Applicant's results of design and optimization with using of routine design tools as simulation and similarity modeling could be a subject of a scientific technical publication but not the subject of patents.

The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within his her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.

### ***Response to Arguments***

3. Applicant's arguments in sections II, VI and V are not persuasive and objection of drawings and Specification and Rejection of claims under 35 USC 112 still valid because an apparatus as shown in FIG. 5 cannot operate as shown in FIG. 8, 9 as disclosed in Specification and as claimed. The reason of said controversies is not scale

of the drawing 5 but a principal difference in attachment configurations as shown in FIG. 5 and as disclosed in specification and as claimed.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. No new matter should be entered.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Applicant's argument on page 22+ related to "Response to Arguments" based on asserting that:

*"it was not predicted to one of skill in the art that the rod and recesses technology described by the claims would work as intended"*

are not persuasive because an operability of apparatus is determined by design and optimization and modern tools for design and optimization available to the ordinary skill in the art is enough for predictable design of operating apparatus without undue experimentation with all environment limitation including a spend fuel radiation.

Advantages of detachable connection of cylinders with using well known recesses cylinder attachments and barrel hinge relative welding used in Loftis patent are obvious for ordinary skill in the art in time of invention. Different version of hinges and recess cylinder attachment are disclosed in "Catalog Hoover Fence Co", in "Wooden house" , and in "Minitec Profil System: Links and Hinges (see links Part N. 21.2030/0); ["www.minitecframing.com/PDF/Links%20&%20Hinges%20MiniTec332.pdf"](http://www.minitecframing.com/PDF/Links%20&%20Hinges%20MiniTec332.pdf).

5. Applicant's arguments, see sections VI-IX in respect to the rejection(s) of claim(s) 1, 3-10, 13-34, 48-51, 53-58 under 35 U.S.C. 103 (a) have been considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Minshall et al. (IP WO 00/72326 A1, Minshall et al. hereinafter, presented in IDS filed 6/28/07).

Applicant's arguments in section X is not persuasive by reason detailed in Response to Amendment.

Other Arguments are answered in the Rejection of amended claims. Rejection of amended and added claims is established in light of further consideration and search of the prior Art resented below.

### ***Drawings***

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of claim 7, "the plurality of tubes includes a plurality of flat load bearing surfaces at the corners of respective ones of the tubes, the flat load bearing surfaces on the first one of the tubes engaging the plurality of flat bearing surfaces on the second one of the tubes" must be shown or the features canceled from the claims (see claims 7, 17, 27 and 28).

Regarding said limitation: as can be seen in FIG. 5, connection of rod 8, 12 with rod 20, 22 by pin cannot connect flat bearing surfaces of corners 60 and 62 together as claimed in claims 7, 17, 27 and 28 and as shown in FIG. 9. The apparatus as shown in FIG. 5 cannot operate as shown in FIG. 8, 9 as disclosed in Specification and as claimed. The reason of said controversies is not scale of the drawing 5 but a principal difference in attachment configurations as shown in FIG. 5 and as disclosed in specification and as claimed. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The specification is objected to because the limitation of claims 7, 17, 27 and 28, "the plurality of tubes includes a plurality of flat load bearing surfaces at the corners of respective ones of the tubes, the flat load bearing surfaces on the first one of the tubes engaging the plurality of flat bearing surfaces on the second one of the tubes" must be disclosed with recitation of drawing's position or the features canceled from the claims (see claims 7, 17, 27 and 28). As can be seen in FIG. 5, connection of rod 8, 12 with rod 20, 22 by pin cannot connect flat bearing



surfaces of corners 60 and 62 together as claimed in claims 7, 17, 27 and 28 and as shown in FIG. 9. No new matter should be entered.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 7, 17, 27 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The reason of this rejection is the same as discussed in sections 10 and 12 of this Office Action and the same as reason of the drawing and the specification objection..

11. Claims 7, 17, 27 and 28 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Device parameters critical or essential to the practice of the invention, but not disclosed in disclosure are not enabled by the disclosure. Sections 10 and 12 of this Office action raise questions concerning the accuracy and completeness of the apparatus claimed by Applicant.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1, 3-10, 13-34, 48-51, 53-58 and 69-71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 8, 18 and 28 in preamble disclose: "A container". Thus the preamble is to the subcombination of the device, whereas the body of claims 1, 8, 18 and 28 is directed to the combination of container and spent fuel assemblies. Note claim 1 language, "a plurality of tubes that receive spent nuclear fuel assemblies", i.e., assemblies are disposed in tubes (combination).

This inconsistency presents the question as to whether the claim recites a combination or subcombination. There is insufficient antecedent basis for the limitation that is directed to the combination rather than to the subcombination because the nuclear fuel (rods, assemblies) is not an inherent component of the container.

14. Claims 7, 17, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because by reasons disclosed in sections 10, 12 and 14-15 its metes and bounds of the claimed invention are not defined, rendering the claims indefinite.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claims **1, 3-6, 7 and 69-71** are rejected under 35 U.S.C. 103(a) as being obvious over Loftis et al., (U.S. Patent No. 6,009,136, Loftis thereafter, cited before), in view of Minshallet al. (IP WO 00/72326 A1, Minshallet hereinafter, presented in IDS filed 6/28/07) and in view of publication Hoover Fence Co. (Hoover Fence Co. catalog, Newton Falls, OH, June 1999; Hoover hereinafter, cited before). The rejections are provided subject to the noted indefiniteness under 35 USC 112, 2nd paragraph, as explained above, and are made to the best of examiner's understanding

As can be understood, on claim 1, Loftis discloses a container for storing or transporting spent nuclear fuel (title, abstract, column 1, lines 17+, column 2, lines 38+), the container comprising: a plurality of tubes that receive spent nuclear fuel assemblies, each tube having four sidewalls and four corners defining a rectangular cross section (cells C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+); an attachment means (section [0005], lines 6+) for attaching respective pairs of a plurality of corners of the tubes to each other, at least one corner of a first one of the tubes engaging another corner of a second one of the tubes (rod segments 5 in FIG. 1, 2, column 3, lines 47+, column 4, lines 1+); each engaged corner of the first and second ones of the tubes being formed from an intersection of a first sidewall and a second sidewall, the first and second side walls being normal to each other (FIG. 1, column 3, lines 47+, column 4, lines 1+); the first sidewall of the first one of the tubes and the first sidewall of the second one of the tubes being in substantial alignment; and the second sidewall of the first one of the tubes and the second sidewall of the second one of the tubes being in substantial alignment (FIG. 1, column 3, lines 47+, column 4, lines 1+).

Loftis does not teach the limitation: the attachment means comprising a plurality of recesses in respective ones of the corners and plurality of rods that are positioned in the recesses between respective engaged ones of the corners.

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of Minshallet drawn to a container for spent fuel storage, hence analogous art and solving similar problem who teaches a joint for attachment an elongated compartments with using of recesses

(semi-cylindrical grooves 42, 43 in FIG. 6, 47, 48 in FIG. 7) and the rod (looking pin 50 in FIG. 2-7; page 2, lines 5+; page 6, lines 20+). It is obvious for ordinary skill in the art to modify the welding attachment of Loftis by attachment of Minshallet to simplify the attachment. Said type of attachment is convenient and very common in mechanical art to use such recesses and pins for precise positioning and convenient connection of parts of system.

Motivation for said modification derives from Minshallet: A problem encountered in the construction of such containers concerns the joining together of the parts..." page 1, lines 12+).

Loftis and Minshallet do not teach the specific means of attaching as disclosed in the Specification, which, under 35 USC 112, sixth paragraph, is interpreted to comprise also pins, nor do the directly teach the limitation: "wherein each of the rods is a cylinder having a single cylindrical wall " and "the cylindrical wall of each of the rods contacting at least two recesses associated with at least two of the tubes".

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of Hoover drawn to a strong attachment of heavy load parts in extreme conditions of fence, hence analogous art because solved similar problem who teaches: cylinders 1 ("rods"), recesses 2 and 3, pin 4 in FIG. 1 on page 3. It is obvious and very common in mechanical art to use such recesses for precise positioning and convenient connection of rods or cylinders to the convex cylindrical surfaces of corners (see also "summary hinges" (Catalog System Components, Links and Hinges)). An attachment means for attaching respective pairs

of a plurality of corners of the tubes to each other in this claim is no more than a description of the commonplace hinge, having a barrel comprised by two knuckles, each knuckle extending from a separate leaf, where the leaf consists of the sidewall of one of the adjacent tubes. This type of structural connection is notoriously well known as disclosed by Hoover (FIG. 1 on page 3).

Motivation for said modification derives from Minshallet: A problem encountered in the construction of such containers concerns the joining together of the parts..." page 1, lines 12+).

Claim is obvious because known work in one field endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one skilled in the art (MPEP 2143).

On claim 3, Hoover teaches: each of the first rods has an opening and the attachment means further comprises at least one pin (cylinders 1 ("rods"), recesses 2 and 3, pin 4 in FIG. 1 on page 3), wherein the openings of at least one respective pair of the first rods mounted in respective ones of the recesses of the first and second ones of the tubes are axially aligned, wherein the at least one pin is inserted through the openings of the at least one respective pair of the first rods (cylinders 1 ("rods"), recesses 2 and 3, pin 4 in FIG. 1 on page 3).

On claim 4, Hoover teaches: the rods further comprise at least one first rod and at least one second rod, the at least one first rod being mounted in a corresponding at least one

of the recesses of the first one of the tubes and the at least one second rod being mounted in a corresponding at least one of the recesses of the second one of the tubes, the at least one first rod engaging a respective one of the recesses of the second one of the tubes and the at least one second rod engaging a respective one of the recesses of the first one of the tubes when the first side wall of the first one of the tubes and the first side wall of the second one of the tubes are in substantial alignment, and the second side wall of the first one of the tubes and the second side wall of the second one of the tubes are in substantial alignment (cylinders 1 ("rods"), recesses 2 and 3, pin 4 in FIG. 1 on page 3).

On claim 5, Loftis additionally discloses: a first and a second set of the tubes, wherein the second rods are mounted on the tubes within the first set, wherein each of the second rods of the first set of tubes engages a respective one of the tubes in the second set of tubes (cells C2, C4, C6,... in FIG. 1, column 3, lines 47+).

On claim 6, Loftis additionally discloses: the plurality of tubes is arranged in the alternating pattern such that the placement of a four-tube array linked at the corners of the tubes creates a developed cell (cells C2, C4, C6,... in FIG. 1, column 3, lines 47+).

On claim 7, Hoover teaches the flat load bearing surfaces on the first one of the tubes engaging the plurality of flat bearing surfaces on the second one of the tubes ( flat

surface of plates 5 in FIG. 1 on page 3 ). A flattening of convex surface improves precision and durability of assembling.

Motivation for said modification derives from Loftis: Typically, the tubes (cylinders) are joined at their corners to common rod segments that are located at various positions along adjacent corners of the tubes (column 1, lines 44+).

Claim is obvious because known work in one field endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one skilled in the art (MPEP 2143).

Regarding claim **69** Loftis discloses: An apparatus for the dry storage and transport of spent nuclear fuel, comprising: a plurality of tubes disposed in a container (cells C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+);

a plurality of rods, each rod being disposed within a first one of the recesses formed in a first one of the tubes (rod segments 5 in FIG. 1, 2); each of the rods has an outer wall that contacts a second one of recesses formed in a second one of the tubes when the tubes are assembled in the container (rod segments 5 in FIG. 1, 2).

Loftis does not teach limitation: a plurality of recesses, each recess being formed in a wall of a respective one of the tubes; each of the recesses being configured to receive the rod from a lateral direction with respect to a longitudinal length of a respective one of the tubes to facilitate a horizontal assembly of the tubes to each other; a plurality of rods, each rod being disposed within a first one of the recesses formed in a first one of



the tubes; each of the rods has an outer wall that contacts a second one of recesses formed in a second one of the tubes when the tubes are assembled in the container.

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of Minshallet drawn to a container for spent fuel storage, hence analogous art and solving similar problem who teaches a joint for attachment an elongated compartments with using of recesses (semi-cylindrical grooves 42, 43 in FIG. 6, 47, 48 in FIG. 7) and the rod (looking pin 50 in FIG. 2-7; page 2, lines 5+; page 6, lines 20+). It is obvious for ordinary skill in the art to modify the welding attachment of Loftis by attachment of Minshallet to simplify the attachment. Said type of attachment is convenient and very common in mechanical art to use such recesses and pins for precise positioning and convenient connection of parts of system.

Motivation for said modification derives from Minshallet: A problem encountered in the construction of such containers concerns the joining together of the parts..." page 1, lines 12+).

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of Hoover drawn to a strong attachment of heavy load parts, hence analogous art because solved similar problem who teaches: cylinders 1 ("rods"), recesses 2 and 3, pin 4 in FIG. 1 on page 3. It is obvious and very common in mechanical art to use such recesses for precise positioning and convenient connection of rods or cylinders to the convex cylindrical surfaces of corners. An attachment means for attaching respective pairs of a plurality of

corners of the tubes to each other in this claim is no more than a description of the commonplace hinge, having a barrel comprised by two knuckles, each knuckle extending from a separate leaf, where the leaf consists of the sidewall of one of the adjacent tubes. This type of structural connection is notoriously well known as disclosed by Hoover (FIG. 1 on page 3).

Motivation for said modification derives from Loftis: Typically, the tubes (cylinders) are joined at their corners to common rod segments that are located at various positions along adjacent corners of the tubes (column 1, lines 44+).

Claim is obvious because known work in one field endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one skilled in the art (MPEP 2143).

On claim 70 Hoover discloses: the rods being attached to corresponding ones of the recesses; a plurality of pins; and where the respective ones of the rods further comprise a socket to receive one of the pins (cylinders 1 ("rods"), recesses 2 and 3, pin 4 in FIG. 1 on page 3. It is obvious and very common in mechanical art to use such recesses for precise positioning and convenient connection of rods or cylinders to the convex cylindrical surfaces of corners. An attachment means for attaching respective pairs of a plurality of corners of the tubes to each other in this claim is no more than a description of the commonplace hinge, having a barrel comprised by two knuckles, each knuckle extending from a separate leaf, where the leaf consists of the sidewall of one of the

adjacent tubes. This type of structural connection is notoriously well known as disclosed by Hoover (FIG. 1 on page 3)).

Motivation for said modification derives from Loftis: Typically, the tubes (cylinders) are joined at their corners to common rod segments that are located at various positions along adjacent corners of the tubes (column 1, lines 44+).

Claim is obvious because known work in one field endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one skilled in the art (MPEP 2143).

On claim **71** Hoover discloses: the pins being disposed into a pair of the sockets to connect a respective pair of the tubes (pin 4 in FIG. 1 on page 3).

18. Claims 8-10, 13-34, 48-51 and 53-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loftis et al., (U.S. Patent No. 6,009,136; Loftis hereinafter, cited before) in view of Minshallet al. (IP WO 00/72326 A1, Minshallet hereinafter, presented in IDS filed 6/28/07), in view of admitted prior art of Bosshard (U.S. Patent No. 4,630,738, cited before) in view of Lindsay, (U.S. PAP No. 2002/0015614 A1; cited before) in view of publication Hoover Fence Co. (Hoover Fence Co. catalog, Newton Falls, OH, June 1999; Hoover hereinafter).

Regarding claim **8** Loftis discloses: a container for storing or transporting spent nuclear fuel (title, abstract, column 1, lines 17+, column 2, lines 38+), the container comprising:

a plurality of tubes ("cells") that receive spent nuclear fuel (cells C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+); a plurality of first rods being mounted at a point where each respective one of the tubes abuts against another one of the tubes (rod segments 5 in FIG. 1, 2, column 3, lines 47+, column 4, lines 1+).

Loftis does not necessarily teach directly the limitation: each respective one of the first rods is mounted in a recess of both a first one of the tubes and a second one of the tubes, wherein each of the rods comprises at least one outer wall, the at least one outer wall of each of the rods contacting the recesses of both the first and second ones of the tubes; at least one pin; wherein each one of the respective ones of the first rods mate with a corresponding recess in the second one of the tubes when the openings of the respective ones of the first rods mounted in the recesses in the first one of the tubes are substantially aligned with the openings of the respective ones of the first rods mounted on the second one of the tubes".

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of Minshallet drawn to a container for spent fuel storage, hence analogous art and solving similar problem who teaches a joint for attachment an elongated compartments with using of recesses (semi-cylindrical grooves 42, 43 in FIG. 6, 47, 48 in FIG. 7) and the rod (looking pin 50 in FIG. 2-7; page 2, lines 5+; page 6, lines 20+). It is obvious for ordinary skill in the art to modify the welding attachment of Loftis by attachment of Minshallet to simplify the attachment. Said type of attachment is convenient and very common in mechanical art

to use such recesses and pins for precise positioning and convenient connection of parts of system.

Motivation for said modification derives from Minshallet: A problem encountered in the construction of such containers concerns the joining together of the parts..." page 1, lines 12+).

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of admitted prior art Bosshard drawn to rack for storing nuclear fuel elements, hence analogous art who teach to "It has been known lugs in the form of hinges or pivots have been welded to the edges of square tubes in order to provide lateral support between the tubes. The lugs are connected by a pin which is inserted through the lugs." (Column 1, lines 7+). It is obvious and very common in mechanical art to use such recesses for precise positioning and convenient connection of rods or cylinders to the convex cylindrical surfaces of corners as disclosed by Hoover (as shown in FIG. 1 on page 3).

Loftis and Minshallet do not teach limitation: each of said first rods having an opening.

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of Hoover drawn to a strong attachment of heavy load parts in extreme conditions of fence, hence analogous art because solved similar problem who teaches: cylinders 1 ("rods"), recesses 2 and 3, pin 4 in FIG. 1 on page 3. It is obvious and very common in mechanical art to use such recesses for precise positioning and convenient connection of rods or cylinders to the

convex cylindrical surfaces of corners (see also "summary hinges" (Catalog System Components, Links and Hinges)). An attachment means for attaching respective pairs of a plurality of corners of the tubes to each other in this claim is no more than a description of the commonplace hinge, having a barrel comprised by two knuckles, each knuckle extending from a separate leaf, where the leaf consists of the sidewall of one of the adjacent tubes. This type of structural connection is notoriously well known as disclosed by Hoover (FIG. 1 on page 3).

Motivation for said modification derives from Minshall: A problem encountered in the construction of such containers concerns the joining together of the parts..." page 1, lines 12+).

Claim is obvious because known work in one field endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one skilled in the art (MPEP 2143).

Further, Lindsay discloses an example of using the tubes being substantial alignment and pins inserted into the tubes (first rods) for connection of different parts of system (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines 1+, pin 70 in FIGs. 7A, 7B). Example of similar connection between corners of tubs is represented by Hoover.

Motivation: The hollow rod-pin combination recited in the current claims amounts to no more than a description of the commonplace hinge, having a barrel comprised by two knuckles, each knuckle extending from a separate leaf, where the leaf consists of the sidewall of one of the adjacent tubes. This type of structural connection is notoriously

well known. Bosshard discloses that it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

Claim is obvious because known work in one field endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one skilled in the art (MPEP 2143).

On claim **9**, Lindsay discloses the at least one pin is captured by one of the first rods (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines 1+, pin 70 in FIGs. 7A, 7B).

Motivation for said inclusion derives from Bosshard: it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

Claim is obvious because known work in one field endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one skilled in the art (MPEP 2143).

On claim **10**, Lindsay discloses the at least one pin comprises a head portion and a body portion, the body portion extending through the openings of the aligned ones of the first rods and the head portion resting against one of the first rods (abstract, tubes

42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines 1+, pin 70 in FIGs. 7A, 7B).

Motivation for said inclusion derives from Bosshard: it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

On claim 13, Loftis discloses: a first set of tubes upon which the second rods are mounted, and a second set of tubes without second rods mounted thereon, the second rods of the first set of tubes engaging the second set of tubes when the tubes are linked together (rod segments 5 in FIG. 1, 2, column 3, lines 47+, column 4, lines 1+).

On claim 14, Loftis discloses: each of the tubes has four sidewalls and four corners defining a rectangular cross section, the plurality of recesses being formed at the corners of the tubes (C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+).

On claim 15, Loftis discloses: the tubes are arranged in an alternating pattern; and the tubes are linked together at the corners, wherein a sidewall of a first one of the tubes is in substantial alignment with a sidewall of a second one of the tubes (C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+).

On claim 16, Loftis discloses: the tubes are arranged in the alternating pattern such that



the placement of a four-tube array linked at the corners of the tubes creates a developed cell (C2, C4, C6,... in FIG. 1 column 2, lines 37+, column 3, lines 48+).

On claim 17, Hoover teaches: the tubes includes a plurality of flat load bearing surfaces at the corners of the tubes, the plurality of flat load bearing surfaces on a respective one of the tubes engaging the flat bearing surfaces on a remaining one of the tubes (flat surface of plates 5 in FIG. 1 on page 3 ). A flattening of convex surface improves precision and durability of assembling.

Motivation for said modification derives from Loftis: Typically, the tubes (cylinders) are joined at their corners to common rod segments that are located at various positions along adjacent corners of the tubes (column 1, lines 44+).

On claim 18, Loftis discloses: a container for storing spent nuclear fuel (title, abstract, column 1, lines 17+, column 2, lines 38+), the container comprising: a plurality of tubes that receive spent nuclear fuel assemblies (C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+), each of the tubes having a plurality of recesses; a plurality of rods being mounted in respective ones of the recesses and each of the rods comprises at least one outer wall, the at least one outer wall of each of the rods contacting both the first and second ones of the recesses (rod segments 5 in FIG. 1, 2, column 3, lines 47+, column 4, lines 1+).

Loftis does not necessarily teach directly the limitation: "a plurality of first rods being mounted in respective ones of the recesses; and wherein at least one first rod mounted

on a respective one of the tubes is attached to at least one of the first rods mounted on at least one second one of the tubes, thereby linking the respective one of the tubes and the at least one second one of the tubes together, wherein each of the first rods is seated in both a first one of the recesses of the respective one of the tubes and a second one of the recesses of the at least one second one of the tubes".

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of Minshallet drawn to a container for spent fuel storage, hence analogous art and solving similar problem who teaches a joint for attachment an elongated compartments with using of recesses (semi-cylindrical grooves 42, 43 in FIG. 6, 47, 48 in FIG. 7) and the rod (looking pin 50 in FIG. 2-7; page 2, lines 5+; page 6, lines 20+). It is obvious for ordinary skill in the art to modify the welding attachment of Loftis by attachment of Minshallet to simplify the attachment. Said type of attachment is convenient and very common in mechanical art to use such recesses and pins for precise positioning and convenient connection of parts of system.

Motivation for said modification derives from Minshallet: A problem encountered in the construction of such containers concerns the joining together of the parts..." page 1, lines 12+).

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of admitted prior art Bosshard drawn to rack for storing nuclear fuel elements, hence analogous art who teach to "It has been known lugs in the form of hinges or pivots have been welded to the

edges of square tubes in order to provide lateral support between the tubes. The lugs are connected by a pin which is inserted through the lugs." (Column 1, lines 7+).

Lindsay discloses an example of using the tubes being substantial alignment and pins insertable into the tubes (first rods) for connection of different parts of system (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines 1+, pin 70 in FIGs. 7A, 7B).

Example of similar connection between corners of tubes is represented by Hoover (as shown in FIG. 1 on page 3).

Motivation: The hollow rod-pin combination recited in the current claims amounts to no more than a description of the commonplace hinge, having a barrel comprised by two knuckles, each knuckle extending from a separate leaf, where the leaf consists of the sidewall of one of the adjacent tubes. This type of structural connection is notoriously well known. Bosshard discloses that it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

Claim is obvious because known work in one field endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one skilled in the art (MPEP 2143).

On claim **19**, Lindsay additionally teaches: each of the first rods has an opening and respective pairs of the first rods are attached to each other by axially aligning the

openings of the respective pairs of the first rods and extending a pin through the openings of each of the respective pairs of the first rods (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines1+, pin 70 in FIGs. 7A, 7B).

Motivation for said inclusion derives from Bosshard: it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

On claim **20**, Lindsay additionally teaches: the pin comprises a head portion and a body portion, the body portion extending through the openings of each of the respective pairs of the first rods and the head portion abutting against one of the first rods (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines1+, pin 70 in FIGs. 7A, 7B).

Motivation for said inclusion derives from Bosshard: it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

On claim **21**, Lindsay additionally teaches: the pin is captured by one of the first rods (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines1+, pin 70 in FIGs. 7A, 7B).

Motivation for said inclusion derives from Bosshard: it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

On claim **22**, Loftis teaches: each of the tubes has four sidewalls and four corners defining a rectangular cross section (C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+). The notoriously well known facts in mechanical art teaches the recesses being formed along at least one of the corners of the tubes and the first rods being mounted in the plurality of recesses along the at least one of the corners of the tubes.

Motivation for said inclusion derives from Bosshard: it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

On claim **23**, Loftis teaches: the tubes are arranged in an alternating pattern and the tubes are linked together at the corners, wherein a first one of the side walls of the first one of the tubes is substantially aligned with a first one of the side walls of the second one of the tubes, and a second one of the side walls of the first one of the tubes is substantially aligned with a second one of the side walls of the second one of the tubes (C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+).

On claim **24**, Loftis teaches: at least one second rod being mounted in the recesses of respective ones of the tubes (rod 5 in FIG. 1, column 3, lines 47+), the at least one second rod mounted in the recess of a respective one of the tubes engaging the recess of a remaining one of tubes when the tubes are linked together (C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+).

On claim **25**, Loftis teaches: the plurality of tubes comprises a first set of tubes and a second set of tubes, wherein the second rods are mounted in each one of the tubes in the second set of tubes (rod 5 in FIG. 1, column 3, lines 47+).

On claim **26**, Loftis teaches: the plurality of tubes is arranged in the alternating pattern such that the placement of a four-tube array linked at the corners of the tubes creates a developed cell (cells C2,C8,C15,... in FIG. 1, column 3, lines 47+).

On claim **27**, Hoover teaches: the tubes includes a plurality of flat load bearing surfaces at the corners of the tubes, the plurality of flat load bearing surfaces on a respective one of the tubes engaging the flat bearing surfaces on a remaining one of the tubes (flat surface of plates 5 in FIG. 1 on page 3 ). A flattening of convex surface improves precision and durability of assembling.

Motivation for said modification derives from Loftis: Typically, the tubes (cylinders) are joined at their corners to common rod segments that are located at various positions along adjacent corners of the tubes (column 1, lines 44+).

On claim 28, Loftis discloses: a container for storing spent nuclear fuel (title, abstract, column 1, lines 17+, column 2, lines 38+), the container comprising:  
a plurality of tubes that receive spent nuclear fuel rods, each of the tubes having four sidewalls and four corners defining a rectangular cross section (C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+).

Loftis does not teach the limitation: "each of the tubes having a plurality of recesses along at least one of the corners and a plurality of flat load bearing surfaces along at least one of the corners; a plurality of first rods being mounted in the recesses of the tubes, wherein respective pairs of the first rods are attached to each other, thereby linking the tubes together, and each of the first rods is seated in the recesses of two of the tubes, wherein each of the rods comprises at least one outer wall, the at least one outer wall of each of the rods contacting the recesses of two of the tubes; and wherein the tubes are linked to each other at the corners such that the flat load bearing surfaces on respective pairs of the tubes abut against each other".

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of Minshallet drawn to a container for spent fuel storage, hence analogous art and solving similar problem who teaches a joint for attachment an elongated compartments with using of recesses (semi-cylindrical grooves 42, 43 in FIG. 6, 47, 48 in FIG. 7) and the rod (looking pin 50 in FIG. 2-7; page 2, lines 5+; page 6, lines 20+). It is obvious for ordinary skill in the art to modify the welding attachment of Loftis by attachment of Minshallet to simplify the

attachment. Said type of attachment is convenient and very common in mechanical art to use such recesses and pins for precise positioning and convenient connection of parts of system.

Motivation for said modification derives from Minshall: A problem encountered in the construction of such containers concerns the joining together of the parts..." page 1, lines 12+).

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of Hoover drawn to a strong attachment of heavy load parts, hence analogous art with respect to the problem that needs to be solved (attachment of heavy load parts), in particular: closely related to a similar problem of attachment, who teaches: cylinders 1 ("rods"), recesses 2 and 3, pin 4 in FIG. 1 on page 3. It is obvious and very common in mechanical art to use such recesses for precise positioning and convenient connection of rods or cylinders to the convex cylindrical surfaces of corners. The tubes are linked to each other at the corners such that the flat load bearing surfaces on respective pairs of the tubes abut against each other (flat surface of plates 5 in FIG. 1 on page 3 ). A flattening of convex surface improves precision and durability of assembling. This method of linking respective pairs of a plurality of corners of the tubes to each other in this claim is no more than a description of the commonplace hinge, having a barrel comprised by two knuckles, each knuckle extending from a separate leaf, where the leaf consists of the sidewall of one of the adjacent tubes. This type of structural connection is notoriously well known. (See Hoover).



Motivation for said modification derives from Loftis: Typically, the tubes (cylinders) are joined at their corners to common rod segments that are located at various positions along adjacent corners of the tubes (column 1, lines 44+).

The claim is obvious because known work in one field endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one skilled in the art (MPEP 2143). The claim is also obvious because inclusion of the teaching by Hoover on attachment in the invention by Loftis amounts to nothing more than a simple substitution of one known element for another (attachment means) to obtain predictable results (See MPEP 2143).

On claim **29**, Lindsay additionally teaches: the first rods includes an opening, wherein the openings of respective pairs of the first rods of adjacent ones of the tubes are aligned so that a pin may be extended there through, thereby attaching the respective pairs of the first rods together (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines 1+, pin 70 in FIGs. 7A, 7B).

Motivation for said inclusion derives from Bosshard: it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

On claim **30**, Lindsay additionally teaches: the one or more pins comprise a head portion and a body portion, the body portion extending through the openings of the aligned first rods of adjacent tubes and the head portion being adjacent to one first rod of the plurality of first rods (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines 1+, pin 70 in FIGs. 7A, 7B).

Motivation for said inclusion derives from Bosshard: it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

On claim **31**, Loftis teaches: at least one second rod (rod segment 5 in FIG. 1, column 3, lines 47+) being mounted in the recesses of a respective one of the tubes and engaging the recesses of an adjacent one of the tubes when the tubes are linked together (C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+).

On claim **32**, Loftis teaches: a first set of the tubes and a second set of the tubes (rod segment 5 in FIG. 1, column 3, lines 47+), wherein the second rods are mounted in each one of the first set of tubes (C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+).

On claim **33**, Loftis teaches: the plurality of tubes is arranged in the alternating pattern

such that the placement of a four-tube array linked at the corners of the tubes creates a developed cell (cells C2,C8,C15,... in FIG. 1, column 3, lines 47+).

On claim **34**, Lindsay additionally teaches: the pin is captured by one of the first rods (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines 1+, pin 70 in FIGs. 7A, 7B).

Motivation for said inclusion derives from Bosshard: it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

On claim **48**, Loftis discloses: an apparatus for the storage and transport of spent nuclear fuel (title, abstract, column 1, lines 17+, column 2, lines 38+), comprising: an array of tubes (C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+); a container, wherein the array of tubes are disposed in the container and the array of tubes contacts at least one side wall of the container (support bars 1, 7, in FIG. 3, column 4, lines 8+); a plurality of couplings between adjacent pairs of the tubes (Fig. 1, column 3, lines 47+), wherein each of the couplings comprises: a first rod disposed on a first one of the tubes (rod segments 5 in FIG. 1, column 3, lines 47+).

Loftis does not necessarily teach the limitation: "a second rod attached to a second one of the tubes; the first rod being disposed in recesses formed in the outer surfaces of both the first and second ones of the tubes, and the second rod being disposed in the

recesses formed in the outer surfaces of both the first and second ones of the tubes, wherein each of the first and second rods comprises at least one outer wall, the at least one outer wall of each of the first and second rods contacting the recesses formed in the outer surfaces of both the first and second ones of the tubes; the first and second rods each having an opening along a length of the first and second rods; and a pin extending through the openings of the first and second rods; and wherein a horizontal bearing load applied to the array of tubes is transferred through the tubes and the couplings to the at least one side wall of the container".

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of Minshallet drawn to a container for spent fuel storage, hence analogous art and solving similar problem who teaches a joint for attachment an elongated compartments with using of recesses (semi-cylindrical grooves 42, 43 in FIG. 6, 47, 48 in FIG. 7) and the rod (looking pin 50 in FIG. 2-7; page 2, lines 5+; page 6, lines 20+). It is obvious for ordinary skill in the art to modify the welding attachment of Loftis by attachment of Minshallet to simplify the attachment. Said type of attachment is convenient and very common in mechanical art to use such recesses and pins for precise positioning and convenient connection of parts of system.

Motivation for said modification derives from Minshallet: A problem encountered in the construction of such containers concerns the joining together of the parts..." page 1, lines 12+).

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of admitted prior art Bosshard drawn to rack for storing nuclear fuel elements, hence analogous art who teach to "It has been known lugs in the form of hinges or pivots have been welded to the edges of square tubes in order to provide lateral support between the tubes. The lugs are connected by a pin which is inserted through the lugs." (Column 1, lines 7+).

Lindsay discloses an example of using the tubes being substantial alignment and pins insertable into the tubes (first rods) for connection of different parts of system (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines 1+, pin 70 in FIGs. 7A, 7B). Example of similar connection between corners of tubs is represented by Hoover.

Motivation: A plurality of couplings between adjacent pairs of the tubes recited in the current claims amounts to no more than a description of the commonplace hinge, having a barrel comprised by two knuckles, each knuckle extending from a separate leaf, where the leaf consists of the sidewall of one of the adjacent tubes. This type of structural connection is notoriously well known. Bosshard discloses that it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

Claim is obvious because known work in one field endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one skilled in the art (MPEP 2143).

On claim **49**, Loftis teaches: each of the tubes further comprises a plurality of side walls, wherein at least one of the side walls of a respective one of the tubes and a side wall of a second one of the tubes are in substantial alignment (cells C2,C8,C15,... in FIG. 1, column 3, lines 47+).

On claim **50**, Loftis teaches: each of the tubes in the adjacent pairs of tubes further comprise at least two side walls joined along a corner, and, a flat bearing surface disposed in at least a portion of the corner, wherein for each of the adjacent pairs of tubes, a first one of the flat bearing surfaces contacts a second one of the flat bearing surfaces (cells C2,C8,C15,... in FIG. 1, column 3, lines 47+).

On claim **51**, Loftis teaches: at least one solid rod disposed between the adjacent pairs of the tubes (rod segment 5 in FIG. M1, 2 , column 3 lines 47+).

On claim **53**, Hoover additionally teaches: the first and second rods are welded into the recesses (as shown in 3 in FIG. 1).

Motivation for said modification derives from Minshallet: A problem encountered in the construction of such containers concerns the joining together of the parts..." page 1, lines 12+).

On claim **54**, Hoover additionally teaches: the recesses (3 in FIG. 1) are formed in a plurality of corners in the outer surfaces of the tubes (on plates 5 in FIG. 1).

Motivation for said inclusion derives from Bosshard: it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

On claim **55**, Lindsay additionally teaches: the pin extending through the openings of the first and second rods is rigidly attached to at least one of the first and second rods (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines 1+, pin 70 in FIGs. 7A, 7B).

Motivation for said inclusion derives from Bosshard: it is considered a simple and reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

On claim **56**, Lindsay additionally teaches: the pin is rigidly attached to at least one of the first and second rods by a weld, wherein the weld is positioned so as not to be subject to the horizontal bearing load (abstract, tubes 42, pins 44 in FIGs. 2A, 2B, 3A, 3B, 3C, 3D, 4A, 4B, page 2, column 2, lines 38+, page 3, column 1, lines 1+, pin 70 in FIGs. 7A, 7B).

Motivation for said inclusion derives from Bosshard: it is considered a simple and

reliable solution to connect square tubes with lugs in the form of hinges or pivots that are welded to the edges of those tubes and to pass a pin through the lugs to provide lateral support to the tubes (col. 1, lines 7+).

On claim 57, Loftis additionally teaches: a cross sectional shape of the tubes is selected from the group consisting of a square, a rectangle (C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+).

(Groups: a circle, a triangle, a hexagon, a heptagon, and an octagon are not elected).

On claim 58, Loftis teaches: the array of tubes forms a cell, wherein the tubes are arranged in an alternating pattern in the cell (cells C1-C15 in FIG. 1, 3, column 2, lines 37+, column 3, lines 48+).

### ***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vadim Dudnikov whose telephone number is 571-270-1325. The examiner can normally be reached on 8:00 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Keith can be reached, Mon-Fri 7:00am-4:00 pm, at telephone number 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VD. 11/24/08.

/Rick Palabrica/

Primary Examiner, Art Unit 3663